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Signature:

Clifford Chance US LLP

Docket No. 5677-208

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No.: Kirk S. Kealey, et al.  
Filed: To be assigned  
Title: Herewith  
COCOA SOLIDS HAVING A HIGH COCOA PROCYANIDIN CONTENT  
TC/A.U.: To be assigned (Formerly 1654)  
Examiner: To be assigned (Formerly C. Tate)

**INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In order to comply with 37 CFR 1.97 and 1.98, attached hereto is a copy of Form PTO-1449 and copies of the documents listed thereon.

Applicants respectfully request the Examiner's consideration of the cited reference and entry into the record of this application and that it be cited of record in the prosecution history of the present application by initialing Form PTO-1449 next to the document. Such initialing is requested even if the Examiner does not consider a cited document to be sufficiently pertinent to use in a rejection, or otherwise does not consider it to be prior art for any reason, or even if the Examiner does not believe that the guidelines for citation have been fully complied with. This is requested so that each document becomes listed on the face of the patent issuing on the present application.

The present Information Disclosure Statement is being submitted in compliance with 37 CFR 1.56, but the citation of such document is not to be construed as an admission that such document is necessarily relevant or prior art. No representation is intended that the cited documents represent the results of a complete search, and it is anticipated that the Examiner, in the normal course of examination, will make an independent search and will determine the best prior art consistent with 37 CFR 1.104 and, in the course of each search, will review for relevance every document cited on the attached form even if not initialed.

The present Information Disclosure Statement has been submitted prior to the receipt of an Office Action in this application. Accordingly, no fee is due. However, in the event that a first Office Action was mailed on or before the date of submission of this disclosure statement, the Commissioner is hereby authorized to charge any fees to deposit Account No. 50-0521.

Copies of the references are not provided or they are present in prior application Serial No. 09/841,925 filed April 25, 2001. If requested, copies will be provided.

Respectfully submitted,

Date:

August 20, 2003

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FORM PTO-1449 U.S. Department of Commerce Patent and Trademark Office  INFORMATION DISCLOSURE STATEMENT  (Use several sheets if necessary)	Serial No. to be determined
	Inventors: Kirk S. Kealey et al.
	Docket No. 5677-208

### U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
		2,417,078	03/11/47	W.T. Jones			
		3,904,777	09/09/75	Goerling et al.	426	631	
		3,923,847	12/02/75	Roselius et al.	260	412.8	
		3,955,489	05/11/76	Goerling et al.	99	485	
		3,997,680	12/14/76	Chalin	426	262	
		4,322,444	3/30/82	Zuilichem	426	241	
		4,701,337	10/20/87	Frost et al.	426	548	
		4,704,292	11/3/87	Kattenberg	426	593	
		4,758,444	07/19/88	Terauchi et al.	426	593	
		4,784,866	11/15/88	Wissgott	426	262	
		4,810,516	03/07/89	Kong-Chan	426	548	
		4,871,562	10/03/89	Terauchi et al.	426	330.3	
		4,970,090	11/13/90	Zeiger et al.	426	650	1/31/90
		5,009,917	04/23/91	Wiant et al.	426	631	
		5,244,099	09/14/93	Zaltzman et al.	209	466	
		5,252,349	10/12/93	Carter	426	482	
		5,338,554	8/16/94	Vogt et al.	426	45	
		5,405,633	4/1995	Heidlas et al.	426	442	
		5,464,649	11/07/95	St. John et al.	426	660	
		5,474,795	12/12/95	Surber et al.	426	660	
		5,554,645	09/10/96	Romanczyk, et al.	514	453	
		5,776,536	7/1998	Tremblay et al.	426	660	
		6,066,350	5/2000	Purtle et al.	426	430	

### FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	COUNTRY	TRANSLATION
	1379116	01/02/75	Great Britain	
	57-206391	12/17/82	JP	Abstract
	WO 02/14251 A1	02/21/02	France	Yes
	7-213251	8/1995	JP	
	7-274894	10/1995	JP	
	HEI 9-206026	8/12/97	JP	
	9-224606	9/2/97	JP	
	9-234018	9/9/97	JP	X
	WO 96 10404	04/11/96	PCT (US95/12963)	
	WO 96 19923	07/04/96	PCT	
	WO 97 36597	01/09/97	PCT (US95/04497)	

### OTHER DOCUMENTS

EXAMINER INITIAL	AUTHOR, TITLE, DATE, PERTINENT PAGES, ETC.
	Swern, D., Ed., 'Bailey's Industrial Oil and Fat Products, Vol. 2, 4 <sup>th</sup> "Extraction of Fats and Oils," pp. 175-251
	Cook, Russell, L., "Chocolate Production and Use," 3 <sup>rd</sup> Ed., pp. 143-172
	Beckett, S.T., Ed., "Industrial Chocolate Manufacture and Use," 2 <sup>nd</sup> Ed., Blackie Academic & Professional, pp. 55-82
	Minifie, Bernard W., Ph.D., Chocolate, Cocoa, and Confectionery: Science and Technology, 3 <sup>rd</sup> Ed., pp. 31-51 and pp. 61-76
	G.A.R. Wood, "Cocoa," 4 <sup>th</sup> Ed. (1985) pp. 510-513
	Ziegleder et al., "Antioxidative effects of Cocoa", CCB, Vol. 8, No. 4 pp. 3-6 (1983)

EXAMINER	DATE CONSIDERED
EXAMINER: Initial if citation considered, whether or not citation is in conformance with M.P.E.P. 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	

Form PTO-1449 [6-4]